

ORIGINAL

1 ANNE M. CAPPELLA (Bar No. 181402)  
2 (anne.cappella@weil.com)  
3 WEIL, GOTSHAL & MANGES LLP  
4 201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Telephone: (650) 802-3141  
Facsimile: (650) 802-3100

5 *Attorney for Movant Apple Inc.*

Filed

JUL 3 2013

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 APPLE INC.,

10 Movant,

11 v.

12 GOOGLE INC.,

13 Respondent.

CV 13-8014C MISCLHK

Case No. \_\_\_\_\_

**ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL**

[Consolidated Civil Action Case Nos. 1:10-cv-  
23580-RNS and 1:12-cv-20271-RNS  
U.S.D.C., S.D.F.L.]

HRL

**NOTICE OF MOTION AND MOTION TO FILE UNDER SEAL  
PURSUANT TO L.R. 79-5(d)**

17 NOTICE is hereby given of Apples Inc.'s administrative motion to file under seal portions  
18 of Apple Inc.'s Motion to Compel Compliance with a Subpoena and the exhibits to an  
19 accompanying declaration, filed concurrently herewith, that have been designated confidential by  
20 Google Inc.

**RELIEF REQUESTED & STATEMENT OF ISSUES TO BE DECIDED**

22 Pursuant to a Protective Order entered in the underlying litigation, Consolidated Civil  
23 Action Case Nos. 1:10-cv-23580-RNS and 1:12-cv-20271-RNS, pending in the U.S. District Court  
24 for the Southern District of Florida (D.E. 114), as amended (D.E. 140), Apple is obligated to file  
25 documents designated as confidential under seal. Accordingly, and further pursuant to Civil Local  
26 Rule 7-11 and 79-5(d), Apple submits this administrative motion to seal portions of its  
27 concurrently filed Motion to Compel Compliance with a Subpoena and to seal certain exhibits to  
28 an accompanying declaration in their entirety, as set forth below.

1           Specifically, the accompanying exhibits to seal include:

2           1.       Exhibit Z to the Declaration of Robert T. Vlasis, which is an email from Robert T.  
3 Vlasis, counsel for Apple and an attorney at Weil, Gotshal & Manges LLP, to Matthew S. Warren,  
4 counsel for Google and an attorney at Quinn Emanuel Urquhart & Sullivan, LLP, on February 25,  
5 2013. Although the email was marked “MAY CONTAIN GOOGLE CONFIDENTIAL  
6 BUSINESS INFORMATION” by Apple’s counsel, it was done in accordance with an indication  
7 from Google’s counsel that the subject matter of that letter is confidential business information  
8 subject to the protective order.

9           2.       Exhibit QQ to the Declaration of Robert T. Vlasis, which is a letter from Mr.  
10 Warren to Mr. Vlasis on April 25, 2013. This letter is explicitly marked “Confidential Business  
11 Information Subject to Protective Order.”

12           3.       Exhibit SS to the Declaration of Robert T. Vlasis, which is a letter from Mr. Warren  
13 to Mr. Vlasis on April 29, 2013. This letter is explicitly marked “Contains Confidential Business  
14 Information Subject to Protective Order.”

15           4.       Exhibit UU to the Declaration of Robert T. Vlasis, which is a letter from Mr.  
16 Warren to Mr. Vlasis on May 1, 2013. This letter is explicitly marked “Contains Confidential  
17 Business Information Subject to Protective Order.”

18           5.       Exhibit EEE to the Declaration of Robert T. Vlasis, which is a letter from Mr.  
19 Warren to Mr. Vlasis on May 24, 2013. This letter is explicitly marked “CONFIDENTIAL  
20 BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER.”

21           6.       Exhibit III to the Declaration of Robert T. Vlasis, which is a letter from Mr. Vlasis  
22 to Mr. Warren on June 3, 2013. Although this letter was marked “MAY CONTAIN GOOGLE  
23 CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER” by  
24 Apple’s counsel, it was done so at the request of Google’s counsel who indicated that the subject  
25 matter of that letter is confidential business information subject to the protective order.

26           7.       Exhibit LLL to the Declaration of Robert T. Vlasis, which is a letter from Mr.  
27 Warren to Mr. Vlasis on June 14, 2013. This letter is explicitly marked “Confidential Business  
28 Information Subject to the Protective Order.”

1           8.     Exhibit NNN to the Declaration of Robert T. Vlasis, which is a letter from Michael  
2 A. Valek, counsel for Apple and an attorney at Gibson, Dunn & Crutcher LLP, to Mr. Warren on  
3 May 20, 2013. Although this letter was marked “HIGHLY CONFIDENTIAL – ATTORNEY’S  
4 EYES ONLY” by Apple’s counsel, it was done so at the request of Google’s counsel who  
5 indicated that the subject matter of that letter is confidential business information subject to the  
6 protective order.

7           The specific portions of the Motion to Compel Compliance with a Subpoena to seal  
8 include:

9           1.     The portion beginning immediately after “Exh. EEE.” in line 16 of page 5 and  
10 ending immediately before “thus” in line 18 of page 5. This portion refers to and describes the  
11 content of Exhibit EEE to the Declaration of Robert T. Vlasis, discussed above.

12           2.     The portion beginning immediately after the word “Google” in line 19 of page 9 and  
13 ending immediately before the word “This” in line 24 of page 9. This portion refers to and  
14 describes the content of Exhibit EEE to the Declaration of Robert T. Vlasis, discussed above.

15           3.     The portion beginning immediately after the word “included” in line 26 of page 9  
16 and ending immediately before “And” in line 28 of page 9. This portion also refers to and  
17 describes the content of Exhibit EEE to the Declaration of Robert T. Vlasis, discussed above.

18           4.     The portion beginning immediately after the word “would” in line 5 of page 10 and  
19 ending immediately before the word “it” in line 6 of page 10. This portion quotes language from  
20 Exhibit UU to the Declaration of Robert T. Vlasis, discussed above.

21           5.     The portion beginning immediately after “Google agreed” in line 26 of page 10 (i.e.,  
22 footnote 3) and ending immediately before “Apple believes that the” in line 27 of page 10 (i.e.,  
23 footnote 3). This portion refers to and describes the content of Exhibit NNN to the Declaration of  
24 Robert T. Vlasis, discussed above.

25           6.     The portion beginning immediately after “Apple believes that the” in line 27 of page  
26 10 (i.e., footnote 3) and ending immediately before the word “is” in line 27 of page 10 (i.e.,  
27 footnote 3). This portion also refers to and describes the content of Exhibit NNN to the  
28 Declaration of Robert T. Vlasis, discussed above.

1 Respectfully submitted,

Dated: July 3, 2013

2   
3  
4 ANNE M. CAPPELLA (Bar No. 181402)  
(anne.cappella@weil.com)  
5 WEIL, GOTSHAL & MANGES LLP  
6 201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Telephone: (650) 802-3141  
7 Facsimile: (650) 802-3100

8 Mark G. Davis  
(mark.davis@weil.com)  
9 WEIL, GOTSHAL & MANGES LLP  
1300 Eye Street, N.W., Suite 900  
10 Washington, DC 20005  
Telephone: (202) 682-7000  
11 Facsimile: (202) 857-0940

12 *Attorneys for Apple Inc.*

Kenneth H. Bridges  
(kbridges@bridgesmav.com)  
Michael T. Pieja  
(mpieja@bridgesmav.com)  
BRIDGES & MAVRAKAKIS LLP  
3000 El Camino Real, 2nd Floor  
Palo Alto, CA 94306  
Telephone: (650) 804-7800  
Facsimile: (650) 852-9224

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28